

REMARKS

This responds to the Office Action dated on July 3, 2007.

Claims 1, 7, 11, and 17 are amended, and claim 24 is cancelled without prejudice or disclaimer. Claims 1-5 and 7-20 are pending in this application.

Request for Information

The Examiner requested that the Applicant and assignee of the present application provide information under 37 CFR 1.105 regarding the phrase pseudo-intimal layer. Applicant has amended the pending claims to omit reference to the pseudo-intimal layer and therefore Applicant believes the request for information is no longer required.

§112 Rejection of the Claims

Claims 1, 5, 7, 9-18 and 24 were rejected under 35 U.S.C. § 112, second paragraph, for indefiniteness.

The Office Action states that in claims 1, 11, and 17, the term “pseudo-intimal layer” is vague, confusing, and indefinite. Applicant has amended the claims to omit the reference to pseudo-intimal layer.

The Office Action also states that “in claim 1, the limitation “...the electrode ... have an outer surface adapted to passively prevent formation of clots” seems to contradict the limitation of “a textured coating” in that a textured coating commonly implies that something will adhere or be attracted to the textured area.” Applicant notes that what is attracted to the area is a layer of blood cells and this layer then helps prevent the formation of clots, as discussed in the specification. Reconsideration and allowance is respectfully requested.

§102 and §103 Rejections of the Claims

Claims 1, 5, 7, 9-18 and 24 were rejected under 35 U.S.C. § 102(b) as being unpatentable over Helland et al. (U.S. Patent No. 5,318,572) or, in the alternative, under 35 U.S.C. § 103(a) as obvious over Helland et al. (U.S. Patent No. 5,318,572) in view of McAuslan (U.S. Patent No. 4,836,884) or Kitrilakis (U.S. Patent No. 3,700,380). Claim 24 has been cancelled without prejudice or disclaimer.

Claims 1, 5, 7, 9, and 10

Applicant has amended claim 1 to better describe the subject matter recited in the claim. Applicant believes claim 1 is not anticipated by the Helland reference or obvious in view of the cited references since, even if combined, the references do not include each limitation recited in the claim.

Regarding Helland, Applicant cannot find in the reference: wherein the outer surface of the lead body is adapted such that a layer of blood cells is formed on the outer surface when exposed to a bloodstream, as recited in claim 1. In contrast, Helland does not describe anything about the lead body outer surface. Col. 4, lines 8-10 of Helland merely discloses that the lead is formed of a biocompatible material.

Also, Applicant cannot find in Helland: wherein the outer surface of the ring electrode includes a textured coating including titanium microspheres, as recited in claim 1. Helland does not include or suggest a ring electrode, or a ring electrode having a textured coating.

Regarding the combination of references, even if combined, the combination does not include or suggest each limitation recited in the claim. For instance, Applicant cannot find in the combination: wherein the outer surface of the ring electrode includes a textured coating including titanium microspheres, as recited in claim 1. None of the cited references include or suggest such subject matter.

Claims 5, 7, 9, and 10 include each limitation of their parent claim and are also not obvious in view of the cited references. Reconsideration and allowance is respectfully requested.

Claims 11-16

Applicant has amended claim 11 to better describe the subject matter recited in the claim. Applicant believes claim 11 is not anticipated by the Helland reference or obvious in view of the cited references since, even if combined, the references do not include or suggest each limitation recited in the claim.

Regarding Helland, Applicant cannot find in the reference: wherein the lead body has a textured outer surface adapted to form a layer of blood cells on the outer surface when exposed to a bloodstream so as to passively prevent formation of clots on the outer surface, as recited in

claim 11. As discussed, Helland does not describe anything about the lead body outer surface. Col 4, lines 8-10 merely disclose that the lead is formed of a biocompatible material. Also, Applicant cannot find in the Helland reference: wherein the ring electrode includes an outer textured surface including titanium microspheres, as recited in claim 11.

Regarding the combination of references, even if combined, the references do not include or suggest each limitation recited in the claim. For instance, Applicant cannot find in the combination: wherein the ring electrode includes an outer textured surface including titanium microspheres, as recited in claim 11. None of the cited references include or suggest such subject matter.

Claims 12-16 include each limitation of their parent claim and are also not obvious in view of the cited references. Reconsideration and allowance is respectfully requested.

Claims 17 and 18

Applicant has amended claim 17 to better describe the subject matter recited in the claim. Applicant believes claim 17 is not anticipated by the Helland reference or obvious in view of the cited references since, even if combined, the references do not include each limitation recited in the claim.

Regarding Helland, Applicant cannot find in the reference: forming the lead body such that a layer of blood cells is formed on an outer surface of the lead body when exposed to a bloodstream, as recited in claim 17. As discussed, Helland does not describe anything about the lead body outer surface. Col 4, lines 8-10 merely disclose that the lead is formed of a biocompatible material. Also, Applicant cannot find in the Helland reference: means for passively preventing clots on the ring electrode includes a titanium microsphere outer surface coating on at least a portion of the ring electrode, as recited in claim 17.

Regarding the combination of references, even if combined, the combination does not include or suggest each limitation recited in the claim. For instance, Applicant cannot find in the combination: means for passively preventing clots on the ring electrode includes a titanium microsphere outer surface coating on at least a portion of the ring electrode, as recited in claim 17. None of the cited references include or suggest such subject matter.

Claim 18 includes each limitation of its parent claim and is therefore also not obvious in view of the cited references. Reconsideration and allowance is respectfully requested.

Claims 1, 5, 7, 9-18 and 24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Alt et al. (U.S. Patent No. 6,370,427) in view of Helland et al. (U.S. Patent No. 5,318,572). Claim 24 has been cancelled without prejudice or disclaimer.

Claims 1, 5, 7, 9, and 10

Applicant has amended claim 1 to better describe the subject matter recited in the claim. Applicant believes claim 1 is not obvious in view of the cited references since, even if combined, the references do not include or suggest each limitation recited in the claim. For instance, Applicant cannot find in the combination: wherein the outer surface of the ring electrode includes a textured coating including titanium microspheres, as recited in claim 1. Neither of the cited references include or suggest such subject matter.

Claims 5, 7, 9, and 10 include each limitation of their parent claim and are also not obvious in view of the cited references. Reconsideration and allowance is respectfully requested.

Claims 11-16

Applicant has amended claim 11 to better describe the subject matter recited in the claim. Applicant believes claim 11 is not obvious in view of the cited references since, even if combined, the references do not include or suggest each limitation recited in the claim. For instance, Applicant cannot find in the combination: wherein the lead body has a textured outer surface adapted to form a layer of blood cells on the outer surface when exposed to a bloodstream so as to passively prevent formation of clots on the outer surface; or, wherein the ring electrode includes an outer textured surface including titanium microspheres, as recited in claim 11. Neither of the cited references include or suggest such subject matter.

Claims 12-16 include each limitation of their parent claim and are also not obvious in view of the cited references. Reconsideration and allowance is respectfully requested.

Claims 17 and 18

Applicant has amended claim 17 to better describe the subject matter recited in the claim. Applicant believes claim 17 is not obvious in view of the cited references since, even if combined, the references do not include or suggest each limitation recited in the claim. For instance, Applicant cannot find in the combination: means for passively preventing clots on the ring electrode includes a titanium microsphere outer surface coating on at least a portion of the ring electrode, as recited in claim 17. Neither of the cited references include or suggest such subject matter.

Claim 18 includes each limitation of its parent claim and is therefore also not obvious in view of the cited references. Reconsideration and allowance is respectfully requested.

RESERVATION OF RIGHTS

In the interest of clarity and brevity, Applicant may not have addressed every assertion made in the Office Action. Applicant's silence regarding any such assertion does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 359-3267 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date

1/3/08

By



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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 3 day of January 2008.

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